

NOTICE OF RULE ADOPTION—TEMPORARY RULE

STATE OF MISSISSIPPI



Mr. Mike Tagert, Director
Bureau of Plant Industry
P.O. Box 5207
MS State, MS 39762
(662) 325-3390
MikeT@mdac.state.ms.us

Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code Ann. §§ 69-25-7 to 69-25-9, §25-43-3.108

Reference to Rules repealed, amended or suspended by the
Temporary Rule: Amends BPI Rule 41

Date Rule Proposed: December 4, 2006

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:

This filing is a continuation of the same temporary rule filed August 25, 2006. Currently, in the attached counties equipment is coming into contact with the noxious weed, *Commelina benghalensis*, and the rule's intent is to prevent the spread of this noxious weed from field to field. This is being filed as an emergency/temporary rule, because the harvest season is approaching and equipment will be moving from field to field at an increased frequency with the potential of spreading this noxious weed.

The Agency finds that an imminent peril to the public health safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

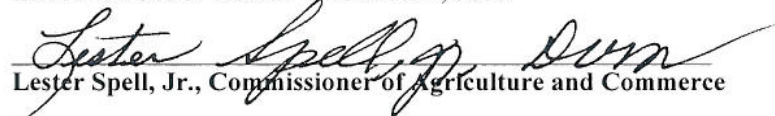
☐ This rule as adopted is without variance from the proposed temporary rule.

☐ This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted
response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could
be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of RULE: December 4, 2006


Lester Spell, Jr., Commissioner of Agriculture and Commerce